UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FORT WORTH DIVISION
FILED

FW033050
$400.00

2019 JUL 29 AM 9: 17

DEPUTY CLERK_____

Paul Wipf
_____
Plaintiff

v.

American Airlines
_____
Defendant

4-19CV-589-0

_____442_____
Civil Action No.

COMPLAINT

See Attached
EEOC charge # 450-2017-01327

* Attach additional pages as needed.

Date	7/29/2019
Signature	Paul Wipf
Print Name	Paul Wipf (Mailing Address)
Address	3712 S. Terry Ave #203
City, State, Zip	Sioux Falls, SD 57106
Telephone	817-691-0230

Till 9/3/2019

Current Address
4712 Mirage Ct. #1405
Euless, TX 76040

EEOC Form 161 (11/16)   U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Paul E. Wipf**
4712 Mirage Ct
Apt # 1405
Euless, TX 76040

From: **Dallas District Office**
207 S. Houston St.
3rd Floor
Dallas, TX 75202

☐	*On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
450-2017-01327	**Patrick W. Alexander,** Investigator	(214) 253-2881

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐ Other *(briefly state)*

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

Belinda F. McCallister,
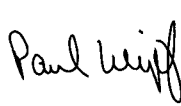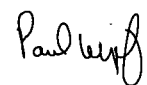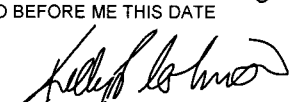**District Director**

5/1/2019
(Date Mailed)

Enclosures(s)

cc: **Karen Gillen**
Associate General Counsel
American Airlines, Inc.
4333 Amon Carter Blvd.
MD5675
Fort Worth, TX 76155

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION	Charge Presented To:	Agency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	☐ FEPA ☒ EEOC	450-2017-01327

Texas Workforce Commission Civil Rights Division	and EEOC

State or local Agency, if any

Name *(indicate Mr., Ms., Mrs.)* **Mr. Paul E. Wipf**	Home Phone *(Incl. Area Code)* **(817) 691-0230**	Date of Birth **1960**

Street Address	City, State and ZIP Code
2311 W. Grapevine Mills Circle, Apt # 4309, Grapevine, TX 76051	

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name **AMERICAN AIRLINES INC**	No. Employees, Members **500 or More**	Phone No. *(Include Area Code)* **(817) 963-4355**

Street Address	City, State and ZIP Code
P. O.Box # 619616, Dfw Airport, TX 75261	

RECEIVED Date:

Name	No. Employees, Members	Phone No. *(Include Area Code)*
	EEOC Dallas	2017.01.23

Street Address	City, State and ZIP Code	District Office 09.48.46 -06'00'

DISCRIMINATION BASED ON *(Check appropriate box(es).)*	DATE(S) DISCRIMINATION TOOK PLACE
☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ RETALIATION ☒ AGE ☐ DISABILITY ☐ GENETIC INFORMATION ☐ OTHER *(Specify)*	Earliest **04-29-2016** Latest **01-23-2017** ☒ CONTINUING ACTION

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s)):*

1.   **PERSONAL HARM: Since April 2016 I have applied for multiple positions that I was very qualified for to include GM positions at: Louisville, Kentucky; Tucson, Arizona; (Salt Lake City, Utah; Long Beach, California were also available for this pool of candidates); Tulsa, Oklahoma; and Houston, Texas. I also applied for a CSM position in Jacksonville, Florida. I was not offered an interview for most of these positions and was not selected for any of these positions.**

2.   **RESPONDENT'S REASON FOR ADVERSE ACTION: I have not been given any specific reason for not being interviewed or selected for these positions.**

3.   **DISCRIMINATION STATEMENT: I believe that I was discriminated against because of my age-56, in violation of the Age Discrimination in Employment Act of 1967.**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – *When necessary for State and Local Agency Requirements*
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT *Paul Wipf*
Jan 23, 2017 Date *Paul Wipf* Charging Party Signature	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE *(month, day, year)*

CONTINUED COMPLAINT

BRIEF STATEMENTS

6/29/17 Applied and interviewed for SDF (Louisville, KY) General Manager

Candidate selected 11.5 years younger and I have 7.5 years more experience plus

11 years of General Manager experience. Candidate selected did not. One of the

hiring managers called to let me know that my 11 years of

General Manager was not current as it was from 1994-2002. She said two age

discriminatory remarks to me. She said American is getting

away from the Ole Crandall days. Meaning it was from long ago.

11/14/17 IOC Load Planning Supervisor (two positions open)

Applied and was interviewed. Hiring manager called me to say I was not selected as she

wanted Instructor experience. Nowhere on job description did it say that. Both of those positions

went to two people half my age, they were both 32 years old. I was age 56 at the time

and they did not have near the qualifications I had.

3/19/19 Sioux Falls, SD General Manager with Envoy/American

I applied and interviewed and was told I was not selected. Candidate selected was age 29

and had 2 years of GM and I had 11 years. Plus the fact I was GM of this Sioux Falls, SD

Station for 8 years from 1994-2002. Envoy is part of American and its name was changed

In 2014 from American Eagle. I was also American Eagle GM in Richmond, VA so it was

same company.

2005-2008 age discrimination. I would like to speak to the judge and ask him if I can

add this in because it ties in with my age discrimination of GM Tucson, AZ case. I can

explain all of this to the judge and see if he will make exception and allow me to enter

this as part of my evidence.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

DEFENDANTS

(b) County of Residence of First Listed Plaintiff Tarrant
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Tarrant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☑ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff*
(For Diversity Cases Only)   *and One Box for Defendant)*

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	**PERSONAL INJURY** **PERSONAL INJURY**	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane ☐ 365 Personal Injury -	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 315 Airplane Product Liability Product Liability			☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	☐ 320 Assault, Libel & ☐ 367 Health Care/ Pharmaceutical		**PROPERTY RIGHTS**	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	Slander Personal Injury		☐ 820 Copyrights	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 330 Federal Employers' Product Liability		☐ 830 Patent	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	Liability ☐ 368 Asbestos Personal Injury Product Liability		☐ 835 Patent - Abbreviated New Drug Application	☐ 460 Deportation
	☐ 340 Marine		☐ 840 Trademark	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 345 Marine Product Liability **PERSONAL PROPERTY**	**LABOR**	**SOCIAL SECURITY**	☐ 480 Consumer Credit
☐ 160 Stockholders' Suits	☐ 350 Motor Vehicle ☐ 370 Other Fraud	☐ 710 Fair Labor Standards Act	☐ 861 HIA (1395ff)	☐ 490 Cable/Sat TV
☐ 190 Other Contract	☐ 355 Motor Vehicle ☐ 371 Truth in Lending		☐ 862 Black Lung (923)	☐ 850 Securities/Commodities/ Exchange
☐ 195 Contract Product Liability	Product Liability ☐ 380 Other Personal	☐ 720 Labor/Management Relations	☐ 863 DIWC/DIWW (405(g))	
☐ 196 Franchise	☐ 360 Other Personal Injury Property Damage	☐ 740 Railway Labor Act	☐ 864 SSID Title XVI	☐ 890 Other Statutory Actions
	☐ 362 Personal Injury - ☐ 385 Property Damage Product Liability	☐ 751 Family and Medical Leave Act	☐ 865 RSI (405(g))	☐ 891 Agricultural Acts
	Medical Malpractice			☐ 893 Environmental Matters
REAL PROPERTY	**CIVIL RIGHTS** **PRISONER PETITIONS**	☐ 790 Other Labor Litigation	**FEDERAL TAX SUITS**	☐ 895 Freedom of Information Act
☐ 210 Land Condemnation	☐ 440 Other Civil Rights **Habeas Corpus:**	☐ 791 Employee Retirement Income Security Act	☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 896 Arbitration
☐ 220 Foreclosure	☐ 441 Voting ☐ 463 Alien Detainee		☐ 871 IRS—Third Party 26 USC 7609	☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 230 Rent Lease & Ejectment	☑ 442 Employment ☐ 510 Motions to Vacate Sentence			
☐ 240 Torts to Land	☐ 443 Housing/ Accommodations ☐ 530 General			☐ 950 Constitutionality of State Statutes
☐ 245 Tort Product Liability	☐ 445 Amer. w/Disabilities - ☐ 535 Death Penalty	**IMMIGRATION**		
☐ 290 All Other Real Property	Employment **Other:**	☐ 462 Naturalization Application		
	☐ 446 Amer. w/Disabilities - Other ☐ 540 Mandamus & Other	☐ 465 Other Immigration Actions		
	☐ 550 Civil Rights			
	☐ 448 Education ☐ 555 Prison Condition			
	☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes   ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____   DOCKET NUMBER _____

DATE 7/29/2019

SIGNATURE OF ATTORNEY OF RECORD Paul Wylf

FOR OFFICE USE ONLY

RECEIPT # _____   AMOUNT _____   APPLYING IFP _____   JUDGE _____   MAG. JUDGE _____